

## NOTICE OF SPECIFIED PENALTY

Date of Issue: May 11, 2011

Payment Due Date: June 13, 2011

|                               |                   |   |   |
|-------------------------------|-------------------|---|---|
| MSA File Number:              | 2011-077          | <b>Specified Penalty Amount:</b>  | \$ 1,500  |
| Market Participant Name:      | Cenovus FCCL Ltd. |   |   |
| Asset ID (if applicable):     | EC04              | Self Report   | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| ISO Rule:                     | 6.6               | Date of Contravention:  | January 21, 2011  |
| Date of Referral/Self Report: | April 4, 2011     | This is the first contravention by this asset for this rule within a rolling 12 month period. |   |

### EVENT DETAILS

On January 21, 2011 at approximately 23:51 the EC04 asset accepted an energy dispatch to move from 20 MW to 44 MW effective at 00:00 on January 22, 2011. At approximately 23:20 the EC04 asset began to ramp ahead of the energy dispatch. The EC04 asset generated outside of its ADV of 5 MW for four 10 minute clock periods between 23:20 and 00:00. Section 6.6.2 of ISO Rule 6.6 states that during generating asset steady state, with reference to an energy market dispatch issued to a pool participant, the average quantity (MW) delivered by a generating asset in any 10 minute clock period referenced in the energy market dispatch must not vary from the energy market dispatch quantity (MW) by more than the ADV.

### FINDINGS

Based upon the information obtained by the MSA, the MSA is satisfied that the event was a contravention of ISO rule 6.6.

### MATERIAL FACTS

The material facts relied upon by the MSA include the following:

1. AESO available capability, generation and dispatch data for the EC04 asset for January 21, 2011 and January 22, 2011.
2. AESO Information Request to Cenovus Energy Inc. dated March 3, 2011.
3. Cenovus Energy Inc. March 15, 2011 response to AESO information request.
4. AESO letter to Cenovus Energy Inc. dated April 4, 2011 notifying the referral of the matter to the MSA.

### DELIVERY OF PAYMENT

Payment by cheque or certified funds is to be made out to the "General Revenue Fund c/o Minister of Finance", and delivered to the Alberta Utilities Commission (AUC) at: 4th Floor, 425 - 1st Street S.W., Calgary, Alberta, T2P 3L8. Questions in respect of delivery of payment should be addressed to the Director of Finance, AUC. The payment should reference this notice and related MSA File #. Delivery of payment should also be confirmed by email to [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca), with copy to the following AUC personnel: Sabi Ghavami (Director, Finance) [sabi.ghavami@auc.ab.ca](mailto:sabi.ghavami@auc.ab.ca), and Darin Lowther (Director, Market Rules) [darin.lowther@auc.ab.ca](mailto:darin.lowther@auc.ab.ca).

### NOTICE

The Market Surveillance Administrator (MSA) is granted the power and authority under s. 52 of the *Alberta Utilities Commission Act* to issue a Notice of Specified Penalty where the MSA is satisfied that a person has contravened an ISO rule. Specified penalties are set out in AUC Rule 019.

In accordance with the relevant enactments and rules, a dispute regarding the issuance of a Notice of Specified Penalty or failure to pay the specified penalty in accordance with this notice will result in a hearing or other proceeding before the AUC.

In accordance with s. 5(1) of AUC Rule 019 this Notice of Specified Penalty will be made public no earlier 30 days and no later than 45 days after issuance. The MSA will, if applicable, also post on its website the link to any decision of the AUC respecting the specified penalty.

If your organization disputes the issuance of this Notice of Specified Penalty, or if you have any other questions or comments regarding this matter, please contact the MSA compliance team at [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca).

### SIGNATURE

|            |                   |                 |                    |
|------------|-------------------|-----------------|--------------------|
| Signature: | "Original Signed" | Signature Date: | May 11, 2011       |
| Name:      | Doug Doll         | Title:          | Manager Compliance |